

Serial No.: 09/762,740  
Atty Docket No. ROY-012

## **REMARKS**

Claims 140 through 165 are currently pending and stand rejected. Applicant respectfully submits that for the reasons discussed below the subject claims are patentable over the cited prior art.

1. Claim Rejection 35 U.S.C. §102

Claims 140-146, 149-163 and 165 are rejected as anticipated by Zigmond et al. Applicant respectfully submits that the claims as amended are clearly distinguishable over the cited prior art, and request withdrawal of the rejection.

The claims as amended specify that the commercials and advertisements may be selected for display in correspondence with a user's selections on the electronic program guide. Such a feature is not disclosed in Zigmond et al. The office action refers to column 10, line 64 though column 11, line 12 of Zigmond et al. This cited portion describes only that an electronic program database may be used to enable a system to identify which program is being watched. However, Zigmond does not disclose that the commercials and advertisements may be selected for display in correspondence with a user's selections on the electronic program guide as set forth in the amended claims.

Accordingly, the claims as amended are clearly distinguishable over the Zigmond reference. Applicant requests withdrawal of the rejection in view of the amendments and these remarks.

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2. Claim Rejection 35 U.S.C. §103

Claims 147 and 148 are rejected as obvious in view of Zigmond. For the reasons discussed above, Applicant submits that the Zigmond reference does not fairly disclose the invention as claimed. Accordingly, Applicant requests withdrawal of the rejection in view of the amendments and the previous remarks.

Similarly, claim 164 is rejected in view of Zigmond in combination with Brown. Zigmond does not disclose that commercials/advertisements can be selected based on a user's selections on the electronic program guide. The cited portion of Zigmond only discloses a system that is able to identify which program is being watched by a particular individual, and storing such information so that advertisers, as opposed to the system, can use the data to better target advertisements for the individual. Thus, the present invention is easily distinguishable.

For the reasons stated above, Applicants traverse the rejections and request withdrawal thereof. Applicants respectfully submit that the application is in condition for allowance and request same.

Respectfully submitted,

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